

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rev. May 2014

RAVEN RAMOS, JEFFREY MCNEILL, and TYLER O'NEAL, individually and on behalf of all other similarly situated,

CIVIL CASE DISCOVERY PLAN

Plaintiffs,
- against -

AND SCHEDULING ORDER

APPLE INC.,

7:22 CV 02761 (NSR)

Defendant.

This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
(If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case is to be tried to a jury.
3. Any party seeking to amend its pleadings must seek leave of court via motion.
4. Interrogatories shall be served no later than 21 days following the entry of this Order and responses thereto shall be served within thirty (45) days thereafter. The provisions of Local Civil Rule 33.3 shall apply to this case.
5. First request for production of documents, if any, shall be served no later than 21 days following the entry of this Order, and responses thereto shall be served within 45 days thereafter.
6. Pre-certification non-expert discovery shall be completed by September 30, 2024.

7. The Court shall convene a status conference at the close of pre-certification non-expert discovery to determine whether expert discovery will be necessary for class certification, or otherwise. The Court shall set briefing dates for class certification at that time.
8. The parties anticipate that significant discovery will be required from absent class members, and are actively discussing the possibility for developing sampling protocols. Relatedly, the parties anticipate that they will require a deviation from the standard limitation of 10 depositions per side due to the complexity of this litigation.
9. Requests to Admit, if any, shall be served within 30 days following the close of non-expert discovery.
10. Additional provisions agreed upon by counsel are attached hereto and made a part hereof.
11. If Plaintiffs move for class certification, and such motion is granted, the Court will enter an additional Order governing any post-class certification discovery.
12. Any motions shall be filed in accordance with the Court's Individual Practices.
13. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
14. The Magistrate Judge assigned to this case is the Hon. Judith C. McCarthy.
15. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
16. The next case management conference is scheduled for _____, at _____. (The Court will set this date at the initial conference.)

SO ORDERED.

Dated: _____

White Plains, New York

Nelson S. Román, U.S. District Judge